

STAFF REPORT
December 10, 2009

No. 09PD100 - Major Amendment to a Planned Commercial Development **ITEM 44**

GENERAL INFORMATION:

APPLICANT/AGENT	Peter Anderson
PROPERTY OWNER	Jackson Boulevard Investments, LLC
REQUEST	No. 09PD100 - Major Amendment to a Planned Commercial Development
EXISTING LEGAL DESCRIPTION	Lot 2 of Lot A of Derby Subdivision, Section 2, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 1.12 acres
LOCATION	1136 Jackson Boulevard
EXISTING ZONING	General Commercial District (Planned Commercial Development)
SURROUNDING ZONING	
North:	General Commercial District (Planned Commercial Development)
South:	Park Forest District
East:	Park Forest District
West:	General Commercial District
PUBLIC UTILITIES	City sewer and water
DATE OF APPLICATION	11/12/2009
REVIEWED BY	Vicki L. Fisher / Mary Bosworth

RECOMMENDATION:

Staff recommends that the Major Amendment to a Planned Commercial Development be approved with the following stipulations:

1. Prior to Planning Commission approval, the signs currently located on the adjacent City property and the two banner signs located along the west elevation of the building shall be removed;
2. All signage shall conform to the design, color and location as shown in the sign package submitted as a part of this Major Amendment to the Planned Commercial Development. No electronic signs are being approved as a part of this sign package. The addition of electronic signs shall be considered a subsequent Major Amendment to the Planned Commercial Development. Changes to the proposed sign package, which the Growth Management Director determines to be consistent with the original approved sign

STAFF REPORT
December 10, 2009

No. 09PD100 - Major Amendment to a Planned Commercial Development **ITEM 44**

- package, shall be allowed as a Minimal Amendment to the Planned Commercial Development. The Growth Management Director may approve temporary signs in accordance with Chapter 15.28.080 of the Rapid City Municipal Code. The lighting for the signs shall be designed to preclude shining on the adjacent properties and/or street(s). A sign permit shall also be obtained for each individual sign;
3. The structure located on Lot 2 of Lot A of Derby Subdivision shall be used for professional and business offices and medical facilities, not to include drop in patients and/or emergency care facilities. Any other use shall require a Major Amendment to the Planned Commercial Development;
 4. A building permit shall be obtained prior to any construction and a Certificate of Occupancy shall be obtained prior to occupancy;
 5. The proposed structure(s) shall continue to conform architecturally to the approved plans and elevations and color palette submitted as part of the original Commercial Development Plan(s);
 6. A minimum of 49 on-site parking spaces shall be continually provided. Three of the spaces shall be handicap accessible with one of the handicap spaces being "van accessible". In addition, all provisions of the Off-Street Parking Ordinance shall be met;
 7. A minimum of 56,550 landscaping points shall be provided. The landscaping plan shall comply with all requirements of the Zoning Ordinance. In addition, all landscaping shall be continually maintained in a live vegetative state and replaced as necessary;
 8. The dumpsters shall be located as shown on the site plan and continually screened with a 4 foot high screening fence;
 9. All outdoor lighting shall be reflected within the property boundaries so as to not shine onto adjoining properties and rights-of-way and to not be a hazard to the passing motorist or constitute a nuisance of any kind;
 10. All currently adopted International Fire Codes shall be met;
 11. An Exception is hereby granted to waive the requirement to provide an opaque ornamental screening fence not less than 5 feet nor more than 6 feet in height along the east and south lot lines abutting a residential zoning district; and,
 12. The Planned Commercial Development shall expire if the use as approved has ceased for a period of two years.

GENERAL COMMENTS:

The applicant has submitted a Major Amendment to a Planned Commercial Development to allow signage on the property and to request that the existing uses within the facility be allowed as a part of the approval of this Planned Commercial Development. In particular, the applicant is requesting that in addition to offices, medical facilities also be allowed.

In 1995, the City Council approved a Planned Commercial Development (#992) to allow an office building with a storage yard to be constructed on Lot A of Derby Subdivision. In 1997, the City Council approved a Major Amendment to the Planned Commercial Development (#1574) to expand the existing building and to allow a second office building to be constructed in the area of the previously approved storage yard.

In 1997, the City Council approved a Vacation of Right-of-way request (#1202) to vacate the section line highway located along the west lot line of the property. In addition, a right-of-

STAFF REPORT
December 10, 2009

No. 09PD100 - Major Amendment to a Planned Commercial Development **ITEM 44**

way easement was secured along the west side of the section line highway to provide access to this property. In 1998, the City approved a plat subdividing the property into Lot 1 of Lot A and Lot 2 of Lot A of Derby Subdivision. This Major Amendment to the Planned Commercial Development is for Lot 2 of Lot A of Derby Subdivision which is the location of the second office building constructed in 1997. Please note that Lot 1 of Lot B is not included in this Major Amendment. The stipulations of approval of Lot 1 of Lot B are addressed in Planned Commercial Development #1574.

On November 18, 2009, the Sign Code Board of Appeals granted a Variance to allow 200 square feet of wall signage along the west elevation of the building to allow 120 square feet of wall signage along the east elevation of the building and to allow 120 square feet of ground signage.

The property is located south of the intersection of Jackson Boulevard and Mountain View Road. Currently, a 9,760 square foot commercial building with parking and landscaping is located on the property.

STAFF REVIEW:

Staff has reviewed the Major Amendment to the Commercial Development Plan and has noted the following considerations:

Signage: The original Planned Commercial Development did not include any signage. However, two wall signs are located on the east elevation of the building and two banner signs are located on the west elevation of the building. In addition, two directional signs for the facility are currently placed on City property located directly south of this lot.

As previously indicated, on November 18, 2009, the Sign Code Board of Appeals granted a Variance to allow 200 square feet of wall signage along the west elevation of the building, 120 square feet of wall signage along the east elevation of the building and 120 square feet of ground signage. The applicant has submitted a sign package identifying the following signage:

West Elevation:

- 3 foot 10 inch by 9 foot 10 inch wall sign (Promotion Physical Therapy)
- 4 foot by 10 foot wall sign (Future Tenant Sign)
- 4 foot by 19 foot wall sign (Entrance sign)
- 4 foot by 10 foot wall sign (Future Tenant Sign)
(Total of 198 square feet)

East Elevation:

- 4 foot by 10 foot wall sign (Future Tenant Sign)
- 4 foot by 10 foot wall sign (Future Tenant Sign)
- 2 foot 6 inch by 7 foot 10 inch wall sign (Entrance Sign)
(Total of 100 square feet)

STAFF REPORT
December 10, 2009

No. 09PD100 - Major Amendment to a Planned Commercial Development **ITEM 44**

Ground Signs:

- 24 inch X 30 inch pole sign (Directional Sign)
- A 10 foot by 9 foot 3 inch pole sign with a total height of 18 feet (Campus Sign)
(Total of 97.5 square feet)

The applicant has indicated that the wall signs will be constructed with wood, vinyl, and/or aluminum. In addition, the signs will be externally illuminated.

The applicant is also proposing to construct a 24 inch by 30 inch pole sign within a parking island at the southwest corner of the building. The applicant has indicated that the signage will serve to direct clients and customers to the east side of the building since it has been designed with two building fronts. Eventually, it is the applicant's intent to remove the directional sign and replace it with a 10 foot by 9 foot 3 inch pole sign, with a total height of 18 feet, to serve as a campus sign for the facility. The applicant has indicated that the directional sign will be constructed with aluminum and mounted on a 2 inch square tube. In addition, the future campus sign will be constructed with an aluminum square tube frame and with an aluminum face. These two signs will not be illuminated. The applicant has indicated that all of the signage will reflect earth tone colors of tan, brown, green, etc. to match the existing building. The proposed signage is in compliance with the Variance granted by the Sign Code Board of Appeals.

Staff recommends that the approved signs conform to the design, color and location as shown in the sign package submitted as a part of this Major Amendment to the Planned Commercial Development. No electronic signs are being approved as a part of this sign package. The addition of electronic signs must be considered a subsequent Major Amendment to the Planned Commercial Development. Changes to the proposed sign package, which the Growth Management Director determines to be consistent with the original approved sign package, may be allowed as a Minimal Amendment to the Planned Commercial Development. The Growth Management Director may approve temporary signs in accordance with Chapter 15.28.080 of the Rapid City Municipal Code. The lighting for the signs must be designed to preclude shining on the adjacent properties and/or street(s). A sign permit must also be obtained for each individual sign.

The applicant has indicated that the two directional signs for this facility currently located on City property will be removed. In addition, the two banner signs currently located along the west elevation of the building are not allowed as per the City's Sign Code Ordinance. Staff recommends that prior to Planning Commission approval, the signs currently located on City property and the two banner signs be removed.

Use: As previously indicated, in 1995, the City Council approved a Planned Commercial Development (#992) to allow an office building with a storage yard to be constructed on Lot A of Derby Subdivision. In 1997, the City Council approved a Major Amendment to the Planned Commercial Development (#1574) to expand the existing building and to allow a second office building to be constructed in the area of the previously approved storage yard. Currently, professional offices and medical facilities are located on the property. Since

STAFF REPORT
December 10, 2009

No. 09PD100 - Major Amendment to a Planned Commercial Development ITEM 44

medical facilities were not approved as a permitted use on the property, the applicant has submitted a request that the use be allowed as a part of this Major Amendment to the Planned Commercial Development.

Medical facilities and professional and business offices are permitted uses in the General Commercial District. In addition, the applicant has submitted a parking plan identifying that they exceed the minimum required parking for the facility. In particular, 49 parking spaces are required and 59 parking spaces are being provided. As such, staff recommends that medical facilities and professional and business offices be allowed with the contingency that the medical facilities not include drop in patients and/or emergency care facilities. In addition, any other use will require a Major Amendment to the Planned Commercial Development.

Screening: Title 17.18.080 of the Rapid City Municipal Code states that when a General Commercial District is adjacent to a residential district, an opaque ornamental screening fence not less than 5 feet nor more than 6 feet in height shall be constructed along the adjacent property lines. The properties located south and east of this lot are zoned Park Forest District requiring that a screening fence be provided along these two lot lines.

During the review of the original Planned Commercial Development, the requirement to provide a screening fence was waived since the residential property is significantly higher than this site, noting that any screening would not be effective in this situation. Since this continues to be the case, staff recommends that the requirement to provide screening along the east and south lot lines be waived as a part of this Major Amendment to the Planned Commercial Development.

Notification Requirement: As of this writing, the receipts from the certified mailing have not been returned nor has the sign been posted on the property. Staff will notify the Planning Commission at the December 10, 2009 Planning Commission meeting if these requirements have not been met.